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| APPLICATION NO.  | FILING DATE | FIRST NAMED INVENTOR | ATTORNEY DOCKET NO. | CONFIRMATION NO. |
|--|-------------|----------------------|---------------------|------------------|
| 09/096,939   | 06/12/1998  | GEORGE KULT          | CDR-97-031          | 2380             |
| 25537  | 7590        | 12/27/2005           | EXAMINER            |                  |
| MCI, INC<br>1133 19TH STREET NW<br>4TH FLOOR<br>WASHINGTON, DC 20036 |             |                      | TIEU, BINH KIEN     |                  |
|  |             | ART UNIT             | PAPER NUMBER        |                  |
|  |             | 2643                 |                     |                  |

DATE MAILED: 12/27/2005

Please find below and/or attached an Office communication concerning this application or proceeding.

|                              |                 |              |
|------------------------------|-----------------|--------------|
| <b>Office Action Summary</b> | Application No. | Applicant(s) |
|                              | 09/096,939      | KULT ET AL.  |
|                              | Examiner        | Art Unit     |
|                              | BINH K. TIEU    | 2643         |

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

#### Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

#### Status

1) Responsive to communication(s) filed on 11 October 2005.  
 2a) This action is FINAL.                    2b) This action is non-final.  
 3) Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

#### Disposition of Claims

4) Claim(s) 1-20 is/are pending in the application.  
 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.  
 5) Claim(s) \_\_\_\_\_ is/are allowed.  
 6) Claim(s) 1-20 is/are rejected.  
 7) Claim(s) \_\_\_\_\_ is/are objected to.  
 8) Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

#### Application Papers

9) The specification is objected to by the Examiner.  
 10) The drawing(s) filed on \_\_\_\_\_ is/are: a) accepted or b) objected to by the Examiner.  
 Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
 Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).  
 11) The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

#### Priority under 35 U.S.C. § 119

12) Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).  
 a) All    b) Some \* c) None of:  
 1. Certified copies of the priority documents have been received.  
 2. Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.  
 3. Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

#### Attachment(s)

|  |   |
|--|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892)  | 4) <input type="checkbox"/> Interview Summary (PTO-413)                     |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948)                                     | Paper No(s)/Mail Date. _____ .  |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)<br>Paper No(s)/Mail Date _____ . | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152) |
|  | 6) <input type="checkbox"/> Other: _____ .                                  |

## DETAILED ACTION

### *Claim Rejections - 35 USC § 102*

1. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(e) the invention was described in (1) an application for patent, published under section 122(b), by another filed in the United States before the invention by the applicant for patent or (2) a patent granted on an application for patent by another filed in the United States before the invention by the applicant for patent, except that an international application filed under the treaty defined in section 351(a) shall have the effects for purposes of this subsection of an application filed in the United States only if the international application designated the United States and was published under Article 21(2) of such treaty in the English language.

2. Claims 1-8 and 19 are rejected under 35 U.S.C. 102(e) as being anticipated by McKenna et al. (US Pat. #: 5,684,967).

Regarding claim 1, McKenna et al. (“McKenna”) teaches a computer in a telecommunications network (e.g., a computer system such as Generalized Topology Manager (GTM) 120 in a telecommunications network, as shown in figure 1, col.2, lines 63-67), comprising:

a processor; and

a resource management means for enabling said processor to provide standardized management of multiple resources including internal operational resources (i.e., Topology Discovery Applications (TDAs), col.3, lines 1-6), external components (i.e., subnetworks including SNA 101, TOKEN RING 102, TCP/IP workstation 103, etc. as shown in figure 1, col.3, lines 7-16), and applications processing data,

wherein said resource management means comprises one or more resource managers (i.e., vertices), said resource managers being an agent resource manager such as Topology

Agents, a service logic resource manager such as logic resource such as Internet Protocol (IP) member, etc. (col.3, lines 40-47); or

wherein each of said resource managers comprises:

one or more resource manager application program interfaces that manage said internal operational resources, said external components, and said applications processing data (col.3, line 66 through col.4, line 2); and

one or more data storing means for enabling said processor to store data in table format related to said internal operational resources, said external components, and said applications processing data (col.3, lines 17-24), said application interfaces manipulating the data to reflect the current resource state (col.6, lines 35-57).

Regarding claim 2, McKenna teaches a method for managing resources within a network, comprising:

(i) sending a query to a resource manager, wherein said resource manager manages information corresponding to a resource, said resource manager complying with a common standard for resource managers within the network (col.7, line 22 through col.8, line 7; and col.25, lines 1-3); and

(ii) managing data stored in memory and organized in table format using said query (col.3, lines 1-6 and lines 17-29), including manipulating the data to reflect the current resource state (col.6, lines 35-57);

wherein said data is agent data such as information collected from Topology Agents (col.3, lines 3-4), service logic program data such as information collected from logic resource, i.e., an Internet Protocol (IP) member, etc., (col.3, lines 40-52).

Regarding claim 3, McKenna teaches a computer in a telecommunications network, comprising:

a processor; and

plurality of application program interface means for enabling said processor which is connected to a memory (i.e., tables of GTM 120 shown in figure 1), to provide an interface between one or more resource requesters and data organized in a plurality of tables (i.e., allowing users of subnetworks to query, retrieve and parse information stored in the tables (col.7, line 22 through col.8, line 7; and col.25, lines 1-3)), each of said plurality of tables corresponding to one of a plurality of resources (col.3, lines 17-35), each of said plurality of application program interface means comprising:

sending means for sending a query; and

managing means for managing data stored in said memory and organized in table format using said query (col.3, lines 1-6 and lines 17-29);  
wherein said application program interface means provides system-wide interface with said data (col.3, line 66 through col.4, line 2);

wherein each of said plurality of application program interface means complies with a common standard for application programmer interfaces (col.1, lines 40-60 and col.5, lines 35-55);

wherein each of said plurality of application program interface means manipulating the data to reflect the current resource state (col.6, lines 35-57).

Regarding claims 4-8 and 19, McKenna further teaches limitations of the claims in col.3, line 1 through col.4, line 2; col.6, lines 35-57 and col.7, lines 22-25.

3. Claims 9-18 and 20 are rejected under 35 U.S.C. 103(a) as being unpatentable over McKenna et al. (US Pat. #: 5,684,967) in view of Barker et al. (Pub. No.: US 2001/0052006 A1) or Alfieri et al. (US Pat. #: 5,666,486) (Barker and Alfieri were cited in the previous Office Action).

Regarding claims 9-18 and 20, McKenna teaches all subject matters as claimed above, except for heartbeats and semaphore with tables defining other parameters.

Barker teaches a communication system in (see figs, section 0252, 0571, 05877, 0595 and disclosure) wherein heartbeats and semaphores in conjunction with other parameters in (see disclosure and tables).

Alfieri teaches a resource management system wherein resources can be managed to keep track of events and parameters. Furthermore, according to Alfieri, heartbeats and semaphore can be used in (see col.6 and col.11).

Therefore, it would have been obvious to one of ordinary skill in the art at the time the invention was made to incorporate the teaching of either secondary reference into that of the combination thus making it possible to manage network resources using the various parameters.

#### ***Response to Arguments***

4. Applicant's arguments, see remarks in 22 pages, filed 10/11/2005, with respect to 1-16 have been fully considered and are persuasive. The rejection of claims 1-16 has been withdrawn. The remarks on page 2 indicated that the examination of claims 17-20 was missed from previous Office Action. Therefore, this Office Action is made Non-Final as requested.

Art Unit: 2643

5. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Binh K. Tieu whose telephone number is (571) 272-7510 and E-mail address: [BINH.TIEU@USPTO.GOV](mailto:BINH.TIEU@USPTO.GOV).

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Mr. Curtis Kuntz, can be reached on (571) 272-7499 and **IF PAPER HAS BEEN MISSED FROM THIS OFFICIAL ACTION PACKAGE, PLEASE CALL Customer Service at (703) 306-0377 FOR THE SUBSTITUTIONS OR COPIES.**

Any response to this action should be mailed to:

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Or faxed to:

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BINH TIEU  
PRIMARY EXAMINER

Art Unit 2643

Date: December 21, 2005